

**Claim Rejections Under 35 U.S.C. §112, First Paragraph**

In item 8 on page 4 of the Office Action, the Examiner rejected claims 8-22 under 35 U.S.C. §112, first paragraph, as containing new matter. This rejection is traversed for the reasons presented below, and reconsideration is requested.

The Examiner asserted on page 4 of the Office Action that the one-way connection feature of independent claims 8, 12, 16, and 20-22 is not disclosed in the specification or drawings. However, two-way (bi-directional) switch connections are not disclosed in the present application.

The specification does not mention data flowing in two directions along a particular switched connection. The specification only mentions data flowing from communications 51 toward the user for presentation to the user, from the medium 52 toward the user, or from the communications 51 to the medium 52. For example, page 4, lines 1-4 of the specification state that the "present invention provides an input switchover means for switching input routes according to the type of data offering format ... provided to the user" (emphasis added). At no time does the specification refer to, for example, the user sending data to the communications 51 using the established switched connection. In fact, one of the purposes of the present invention is to provide a system for distributing copyrighted computer applications to users.

Therefore, Applicants submit that claims 8-22 meet the requirements of 35 U.S.C. §112. Accordingly, Applicants respectfully request withdrawal of the rejection to the claims under §112.

**Rejections Under 35 U.S.C. §§102 and 103**

In item 10 on pages 4-8 of the Office Action, the Examiner rejected claims 8-10, 12-14, 16-18 and 20-22 under 35 U.S.C. §102(e) as being anticipated by Shear (U.S. Patent No. 5,410,598). Also, in item 12 on pages 8 and 9 of the Office Action, the Examiner rejected dependent claims 11, 15, and 19 under 35 U.S.C. §103(a) as being unpatentable over Shear in view of Allen (U.S. Patent No. 5,418,713). Applicants respectfully traverse these rejections for the reasons presented below.

In item 9 on page 4 of the Office Action, the Examiner stated that the addition of the one-way connection is seen to be new matter and will not be considered to be part of the claims and, therefore, the previous prior art rejections stand. In view of the above discussion regarding new

matter, Applicants maintain their arguments with respect to claims 8-22, as found in the prior Response filed January 7, 2002.

Therefore, Applicants submit that claims 8-22 patentably distinguish over the prior art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under §§ 102 and 103.

### **New Claim**

Claim 23 is newly added with this response to alternatively define the present invention. Claim 23 specifies switching a connection between either the digital information receiving means and the information converting means, the digital information receiving means and the drive means, or the drive means and the information converting means, and selecting either the digital information received by the digital information receiving means or the drive means and inputting the selected digital information to the information converting means to obtain either visible or audible data based on the selected digital information. It is Applicants' position that these features are not taught or suggested by the cited references and that claim 23 patentably distinguishes over the prior art. Accordingly, Applicants respectfully request allowance of the new claim.

### **CONCLUSION**

It is submitted that the references, either taken alone or in combination, do not teach the present claimed invention. Thus, claims 8-23 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/654,929

Docket No. 1046.1100RE/CJG

Finally, if there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Date: 8/28/02

Respectfully submitted,

STAAS & HALSEY LLP

By: C. Joan Gilsdorf  
Christine Joan Gilsdorf

Registration No. 43,635

Suite 500  
700 Eleventh St., N.W.  
Washington, D.C. 20001  
(202) 434-1500

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Please **ADD** the following new claim:

- 47  
05 > 23. (NEW) An apparatus comprising:
- digital information receiving means for receiving digital information provided via a communication medium;
  - drive means for reading digital information from, and writing digital information to, a storage medium;
  - information converting means for converting digital information received by said digital information receiving means and digital information read by said drive means into at least one of visible and audible data;
  - switch means for switching a connection between one of said digital information receiving means and said information converting means, said digital information receiving means and said drive means, and said drive means and said information converting means; and
  - selecting means for selecting one of said digital information received by said digital information receiving means and said digital information read by said drive means and inputting the selected digital information to said information converting means to obtain at least one of visible and audible data based on the selected digital information, which is received from different types of digital information sources.